

Daily Filing Register No. _____ OF 2026 Dt...../...../2026

Drafted and Presented by Adv. Nikkhil C. Warange, Adv. Kaustubh N. Kamat, Adv. Ibrahim A. Attar, Adv. Sonal Malvadkar, Adv. Iqra Mulla i/b Lasec Advisors LLP

Exh. 1/B

**IN THE COURT OF PRINCIPAL DISTRICT AND SESSION
JUDGE, KOLHAPUR AT - KOLHAPUR**

IN

CIVIL MISCELLANEOUS APPLICATION NO. ²³ OF 2026

(Application for Transfer of Proceedings)

BETWEEN

1) Pratik Paras Oswal)

Partner of M/s. Padam Pooja Developers)

Age – 31yrs, Occu . – Architech;)

Order

Issue notice to Opponents

R/o. 2804 B ward, Prarthana Apartment)

Bhakti Pooja Nagar, Mangalwar Peth,)

, Kolhapur, Maharashtra, India. 416005)

2) **Paras Bhomraj Oswal**)

Partner of M/s. Padam Pooja Developers)

Age – 60 yrs, Occu . – Developer;)

R/o. 2804 B ward, Prarthana Apartment)

Bhakti Pooja Nagar, Mangalwar Peth,)

Kolhapur, Maharashtra, India. 416005)

... APPELLANTS

Vs.

1. M/s. Padam Pooja Developers

A Partnership Firm formed and Constituted

Under the provisions of The partnership Act

Having its place of Business at

633 B Ward, Renuka Mandir, Mangalwar

Peth, Kolhapur, Maharashtra, India.

2. Popatlal Khemchand Shah

Partner of M/s. Padam Pooja Developers

Age – 68 yrs, Occu . – Farmer;

R/o. 460 B Ward, Bhawani Mandap,

Mangalwar Peth, Near Sanghavi

Hospital, Kolhapur, Maharashtra, India

3. Rounak Popatlal Shah

Partner of M/s. Padam Pooja Developers

Age – 35 yrs, Occu . – Business & Farmer;

R/o. 460 B Ward, Bhawani Mandap,

Mangalwar Peth, Near Sanghavi

Hospital, Kolhapur, Maharashtra, India

4. Meena Popatlal Shah

Partner of M/s. Padam Pooja Developers

Age – 65 yrs, Occu . – Farmer & House wife

R/o. 460 B Ward, Bhawani Mandap,

Mangalwar Peth, Near Sanghavi

Hospital, Kolhapur, Maharashtra, India

5. Sapna Ishwar Shah

Partner of M/s. Padam Pooja Developers

Age – 68 yrs, Occu . – Farmer;

R/o. 512 E Ward, Plot No. 5, Torananagar

Pratibha Nagar, Opp. Arihant Apartment

Kolhapur, Maharashtra, India

6. Sneha Kaushal Sanghvi

Partner of M/s. Padam Pooja Developers

Age – 39 yrs, Occu . – Farmer;

R/o. 80 A/2, A – 1 Sun City, New Palace

Road, Nagala Park, Kolhapur,

Maharashtra, India 416003

...RESPONDENT/S

APPLICATION FOR UNDER SECTION 24, 151 OF THE CODE OF CIVIL PROCEDURE FOR TRANSFER OF PROCEEDINGS TO COMMERCIAL COURT.

ABOVEMENTIONED PETITIONERS MOST RESPECTFULLY SUBMITS AS FOLLOWS;

1. The Petitioners have filed an Appeal from an Order under Section 37 of The Arbitration and Conciliation Act, 1996. The subject matter of the dispute arises out of arbitral proceedings wherein the value is substantially above Rupees One Crore.

2. The said Appeal is numbered as Civil Misc. Application No. 166 OF 2025, titled as 'Pratik Paras Oswal and Anr. Versus M/s. Padam Pooja Developers and Ors.' (hereinafter referred to as the 'said Appeal'). The dispute fundamentally pertains to complex issues arising between the partners of the Respondent No. 1 firm, which squarely falls within the definition of a "commercial dispute" under Section 2(1)(c) of the Commercial Courts Act, 2015. The value of the claim being above the prescribed threshold, the dispute is of a "specified value" as defined under the said Act.

3. The said Appeal is currently pending on the file of the learned District Judge – 1 and Addl. Sessions Judge, Kolhapur (Her Honour R. V. Adone, J.). It is submitted with utmost respect that the said Court is not a

designated Commercial Court. As per the prevailing roster and administrative notifications, the Court of the learned District Judge – 2 and Addl. Sessions Judge, Kolhapur (His Honour D. V. Kashyap, J.) is the designated Commercial Court for the district, vested with the exclusive jurisdiction to try and adjudicate such matters.

4. It appears that due to a recent change in the roster and the designation of courts, the said Appeal has been inadvertently listed and is pending before a non-commercial court. For the effective, proper, and expeditious disposal of the said Appeal, it is imperative that it be transferred to the court having the appropriate statutory jurisdiction.

5. It is submitted that the Commercial Courts Act, 2015, is a special statute enacted with the specific legislative intent of creating a specialized forum for the speedy resolution of commercial disputes. The adjudication of the said Appeal by a court not designated as a Commercial Court would be contrary to this legislative mandate and may raise questions of jurisdictional propriety, potentially vitiating the proceedings.

6. Furthermore, the procedure prescribed under the Commercial Courts Act, 2015, including strict timelines and case management hearings, is distinct from the ordinary procedure under the Code of Civil Procedure, 1908. The transfer of the said Appeal to the designated Commercial Court is essential to ensure that the parties avail the benefits of this specialized, fast-track procedure, which is crucial for the timely resolution of high-stake commercial matters.

7. The Petitioners submit that the designated Commercial Court possesses the requisite expertise and is better equipped to adjudicate upon the intricate questions of law and fact that typically arise in commercial

and arbitral disputes of this nature. The interest of justice would be best served if the matter is heard by the specialized forum created for this very purpose.

8. The transfer of the proceedings as prayed for is necessary to prevent a potential failure of justice and to avoid any future legal challenges to the final orders on the ground of lack of jurisdiction. Such a transfer would uphold the integrity of the judicial process and ensure the proper administration of justice.

9. No loss, prejudice, or injustice will be caused to the Respondents if the present Application is allowed and the said Appeal is transferred to the designated Commercial Court. On the contrary, the transfer would ensure that the matter is adjudicated by the appropriate forum in accordance with the law. The balance of convenience is overwhelmingly in favour of the Petitioners.

**THEREFORE IT IS MOST RESPECTFULLY PRAYED AS
FOLLOWS:**

1. *Present Petition may kindly be Allowed;*
2. *Withdraw the Appeal bearing Civil Misc. Application No. 166 OF 2025 titled 'Pratik Paras Oswal and Anr. Versus M/s. Padam Pooja Developers and Ors.' from the file of the learned District Judge – 1 and Addl. Sessions Judge, Kolhapur (Her Honour R. V. Adone, J.) and transfer the same to the file of the learned District Judge – 2 and Addl. Sessions Judge, Kolhapur (His Honour D. V. Kashyap, J.), being the designated Commercial Court, for due adjudication and disposal in accordance with law;*
3. *Permission to add, alter or amend the present petition be granted;*

4. Any other order, in the present circumstances of the case, as the Hon'ble Court may deem fit may kindly be passed.

FOR SUCH ACT OF KINDNESS THE PRESENT PETITIONERS
HEREIN SHALL FOREVER BE DUTYBOUND

Place – Kolhapur

Date – 30.01.2026

Pet No.1

Pet No. 2

VERIFICATION

We, Pratik Paras Oswal and Paras Bhomraj Oswal, Age – 31 and 60
Occu – Business, R/o. 2804 B ward, Prarthana Apartment Bhakti Pooja
Nagar, Mangalwar Peth, Kolhapur, Maharashtra, India. 416005 do
hereby state that the contents of the present Petition are true and correct
and nothing has been concealed and hence we have put our signature
hereunder. Hence, the Verification.

Place – Kolhapur

Date – 30.01.2026

Pet No.1

Pet No. 2

IN THE COURT OF PRINCIPAL DISTRICT AND SESSION JUDGE,
KOLHAPUR AT - KOLHAPUR

IN

CIVIL MISCELLANEOUS APPLICATION NO. OF 2026

(Application for Transfer of Proceedings)

BETWEEN

1) Pratik Paras Oswal ... APPELLANTS

Vs.

1. M/s. Padam Pooja Developers ...RESPONDENT/S

AFFIDAVIT IN SUPPORT OF THE APPLICATION FOR TRANSFER OF PROCEEDINGS

I, Paras Bhomraj Oswal, Partner of M/s. Padam Pooja Developers, Age – 60 years, Occu. – Developer, R/o. 2804 B ward, Prarthana Apartment, Bhakti Pooja Nagar, Mangalwar Peth, Kolhapur, Maharashtra, India. 416005, the Petitioner No. 2 above named, do hereby solemnly affirm and state on oath as under:

- I am the Petitioner No. 2 in the above-mentioned Civil Miscellaneous Application and am fully conversant with the facts and circumstances of the case, and as such, I am competent to swear this affidavit.
- I have read and understood the contents of the accompanying Civil Miscellaneous Application for Transfer of Proceedings, and I state that the averments made therein in paragraphs 1 to 9 are true and correct to the best of my knowledge and belief, and based on the records available to me.
- I specifically affirm that the Appeal from an Order under Section 37 of The Arbitration and Conciliation Act, 1996, filed by the Petitioners, involves an arbitral proceeding with a value exceeding Rupees One Crore, thereby falling within the definition of a "specified value" under the Commercial Courts Act, 2015.
- I further affirm that the dispute between the partners of M/s. Padam Pooja Developers (Respondent No. 1) constitutes a "commercial dispute" as defined under Section 2(1)(c) of the Commercial Courts Act, 2015, necessitating its adjudication by a designated Commercial Court.
- I confirm that the said Appeal, bearing Civil Misc. Application No. 166 OF 2025, is currently pending before the learned District Judge – 1 and Addl. Sessions Judge, Kolhapur (Her Honour R. V. Adone, J.), which is not a designated Commercial Court.
- I also confirm that the learned District Judge – 2 and Addl. Sessions Judge, Kolhapur (His Honour D. V. Kashyap, J.) is the duly designated

Santosh
Superintendent(Lit.)

strict Court, Kolhapur

Commercial Court for the district, and therefore, the transfer of the said Appeal to this Court is essential for proper and lawful adjudication.

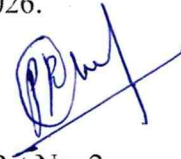
- I state that the transfer of the said Appeal to the designated Commercial Court is crucial for ensuring adherence to the legislative intent of the Commercial Courts Act, 2015, and for availing the specialized procedure and expertise offered by such courts for the expeditious disposal of commercial disputes.
- I reiterate that no prejudice or loss will be caused to the Respondents by the transfer of the said Appeal, and such a transfer is in the interest of justice and proper administration of law.

Whatever is stated hereinabove is true and correct to my knowledge and belief, and nothing material has been concealed therefrom.

Solemnly affirmed at Kolhapur on this {16} day of {Jan}, 2026.

Place – Kolhapur

Date – 16.01.2026


Pet No. 2

VERIFICATION

We, Paras Bhomraj Oswal, Age – 64 Occu – Business, R/o. 2804 B ward, Prarthana Apartment Bhakti Pooja Nagar, Mangalwar Peth, Kolhapur, Maharashtra, India. 416005 do hereby state that the contents of the present Petition are true and correct and nothing has been concealed and hence we have put our signature hereunder. Hence, the Verification.

Place – Kolhapur

Date – 16.01.2026.


Pet No. 2

I know the Deponent



Adv. I. A. Attar.

Solemnly affirmed before me by
Shri./Smt. Paras Bhomraj Oswal
Age 64 Occp Business of Kolhapur
who is identified by Shri. I. A. Attar
.....Adv. whom I Know Personally
Dt. 16.01.2026


Superintendent(Lit.)
District Court, Kolhapur